



City of Rowlett

Meeting Minutes

City Council

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6109 or write PO Box 99, Rowlett, Texas, 75030-0099, at least 48 hours in advance of the meeting.

Tuesday, January 5, 2010

5:30 P.M.

Municipal Building – 4000 Main Street

As authorized by Section 551.071 of the TEXAS GOVERNMENT CODE, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

Present: Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

1. CALL TO ORDER

Mayor Harper called the meeting to order at 5:30 p.m.

CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:30 p.m.

2. EXECUTIVE SESSION

2A. City Council shall convene into Executive session pursuant to the TEXAS GOVERNMENT CODE, §551.074(a)(1), (Personnel), to deliberate the duties of the City Manager. (15 minutes)

2B. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Legal Consultation) to deliberate on duties and functions of Municipal Court. (30 minutes)

A motion was made by Councilmember Kilgore, seconded by Mayor Pro Tem Maggiotto, to place on the January 19, 2010 agenda an item for reconsideration of the prior motion

on December 15, 2009 to place the City Attorney in a supervisory position over the City Prosecutor. The motion carried by the following vote.

Ayes: 4 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, and Councilmember Kilgore

Noes: 2 – Mayor Harper and Councilmember Jackson

Absent: 1 – Councilmember Rushing

A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Kilgore, to direct going forward to the Municipal Court a Stakeholders Meeting that would involve the Presiding Judge, the Associate Judge, the City Prosecutor, the City Manager, the Court Administrator, Deputy Mayor Pro Tem Gottel and Councilmember Kilgore for the purposes of looking at how the Municipal Court functions and to allow the City Council from this process to gain the kinds of metrics to manage the personnel that the City Council employees and to create benchmarks or best practices that will allow the City Council to be more effective in customer service and a good experience for the citizens when they go through the court system.

Upon further discussion regarding the length and the parliamentary need for a motion, Mayor Pro Tem Maggiotto clarified his motion.

The motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Kilgore, to establish a Stakeholders Meeting to include the Presiding Judge, the Associate Judge, the City Prosecutor, the City Manager, the Court Administrator, Deputy Mayor Pro Tem Gottel and Councilmember Kilgore. The motion carried by the following vote.

Ayes: 5 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Jackson, and Councilmember Kilgore

Noes: 1 – Mayor Harper

Absent: 1 – Councilmember Rushing

- 2C. City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Legal Consultation) and to consult with the City Attorney regarding potential litigation; Kenneth Mullins. (10 minutes)

A motion was made by Mayor Pro Tem Maggiotto, seconded by Deputy Mayor Pro Tem Gottel, to authorize the City Attorney to extend the notice period set forth under State law and the City Charter for a period of ninety days in which to allow the City, the City

Attorney, and Mr. Mullins to reach an accord concerning Mr. Mullins' issues. The motion carried by the following vote.

Ayes: 6 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Jackson, and Councilmember Kilgore

Absent: 1 – Councilmember Rushing

- 2D.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071, (Consultation with Attorney), to consider and deliberate on a settlement offer with Site Concrete. (5 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 7:13 p.m.

Councilmember Rushing left the meeting before the City Council Work Session began.

3. WORK SESSION ITEMS (6:30 P.M.)

- 3A.** Update on the 2009-2010 Capital Improvement Plan (CIP) Spending Plan projects. (30 minutes)

This item was pulled from the Work Session and presented after Item 8A.

Presentations were made by staff and representatives from G&A and Pipeline Analysis.

- 3B.** Discussion on non-profit contributions collected via the City's utility bill. (10 minutes)

Council discussed the possibility of reducing the contributions from the General Fund to Rowlett non-profits.

Concerns were voiced to continue the contributions and give additional funding to the non-profits, as well as, concerns regarding manpower and administrative duties.

Consensus was reached to continue the program that is currently in place.

3C. Discussion on the long-term strategy for the Wet Zone Waterpark. (30 minutes)

This item was postponed to a future City Council meeting.

4. DISCUSS CONSENT AGENDA ITEMS

No items were removed from the Consent Agenda to be considered individually.

CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)

Convened into the Council Chambers at 7:41 p.m.

5. INVOCATION

The invocation was led by Pastor Kason Huddleston, The River Church.

6. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Harper.

7. TEXAS PLEDGE OF ALLEGIANCE

The Texas Pledge of Allegiance was led by Mayor Harper.

8. PRESENTATIONS AND PROCLAMATIONS

8A. Hear presentation of the Monthly Financial report for the period ending November 30, 2009.

Brian Funderburk, Director of Financial Services, gave a brief presentation regarding the Monthly Financial Report for the period ending November 30, 2009.

Item 3A was presented following Item 8A.

8B. Update from the Mayor: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest, and Items of Community Interests.

Mayor Harper gave a brief update to the Council on the various activities in the City including Shop Rowlett; contracting work with local contractors; the Dallas Area Rapid Transit Blue Line Rail; the President George Bush Turnpike; street improvements; the City's financial situation;

the Hinton Landfill; the enhancements at the Rowlett Community Centre; the street lights along Rowlett Road; the Alley Survey; the Northshore Commercial District; the Downtown Main Street transit oriented development; the City's new website begins on March 1st; the Martin Luther King Celebration at the Living Faith Community Church on March 17th; the State of the City Address on January 19th; and the Town Hall Meeting at the Rowlett Community Centre on February 4th.

9. CITIZENS' INPUT

1. Kason Huddleston, 8601 Liberty Grove Road, spoke concerning PrayRowlett.

10. CONSENT AGENDA

Item 10B was removed from the Consent Agenda by Mayor Pro Tem Maggiotto to be considered individually.

City Secretary read the items into the record.

- 10A. Consider approving minutes from the December 15, 2009 Regular Council Meeting.

This item was approved on the Consent Agenda.

- 10B. Consider a resolution consenting to the sale of two tax foreclosure properties by Dallas County on the City's behalf for an amount less than the accumulated taxes, penalties, interest costs and other charges owed on the properties.

This item was removed from the Consent Agenda to be considered individually.

Mayor Harper read the item into the record.

Council asked if the City had additional back liens, interests and fines on properties that would total to a significant amount such as the \$60,000 presented with this item.

Staff stated they were not aware of additional liens that were this old. Stated the two properties have had issues for a number of years. Affirmed there have been unsuccessful attempts to sell the two properties in the past and that is the reason these properties have been struck from the Dallas County books and are being sold at a reduced rate. Stated in the event of a tax suit, the labor liens that are not related to taxes would not be collectible.

Council asked why the City did not take action itself since the properties continue to require labor from the City.

Staff stated the City of Rowlett has a smaller share of the three larger taxing authorities (Garland Independent School District, Dallas County, and City of Rowlett). Stated the amount stated in the staff report was the amount in theory that would have been collected but the possibility of the City collecting that much would have been slim.

City Attorney stated although the lawsuit was styled in the name of the county, the same firm represents all the taxing authorities. Therefore, the firm is working to collect the City taxes just as they are working to collect taxes for the other taxing authorities.

Council asked staff if there were properties in the City that have Code Enforcement liens in the thousands of dollars that do not have tax liens.

Staff answered in the affirmative but stated the amounts are not as high as these two properties.

Council asked if there was an active management theory in place for situations like this.

Staff stated the City has a policy for billing but does not actively go out for collections; stated the process is more passive as the City will ultimately make a collection when the property owner tries to sell the property. Stated with the current market, there is no advantage to the citizens of Rowlett to delay the sell of these properties as the properties are in poor condition.

A motion was made by Deputy Mayor Pro Tem Gottel, seconded by Councilmember Phillips to approve the resolution. This item was adopted as RES-001-10. The motion carried by the following vote.

Ayes: 6 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Jackson, and Councilmember Kilgore

Absent: 1 – Councilmember Rushing

- 10C. Consider a resolution authorizing the final acceptance of the improvements and release of the retainage, with the exception of \$2,000, to North Texas Contracting, Incorporated in the amount of twenty-nine thousand five hundred thirty-four dollars and fifty cents (\$29,534.50) for the installation of drainage improvements at Waterview Golf Course and authorizing the Mayor to execute the necessary documents as attached hereto and incorporated herein by reference as Exhibit A.

This item was approved as RES-002-10 on the Consent Agenda.

- 10D. Consider a resolution approving Task Authorization 4-PA and 5-PA (Exhibits A and B) to the approved professional services agreement with Pipeline Analysis, LLC to provide sanitary sewer smoke testing, wet weather flow monitoring and analysis, and wet and dry weather modeling in

the total amount of three hundred nineteen thousand thirty-six dollars and ninety-five cents (\$319,036.95).

This item was approved as RES-003-10 on the Consent Agenda.

- 10E. Consider a resolution amending the Master Fee Schedule for credit card processing fees and water meter fees.

This item was approved as RES-004-10 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Councilmember Phillips, seconded by Councilmember Jackson, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by the following vote:

Ayes: 6 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Jackson, and Councilmember Kilgore

Absent: 1 – Councilmember Rushing

11. ITEMS FOR INDIVIDUAL CONSIDERATION


There were no items for individual consideration.

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

Action was taken following the Executive Session for Items 2B and 2C (please see the individual items for the motion and vote count). No action was taken following the Executive Session for Items 2A and 2D.

12. ADJOURNMENT

Mayor Harper adjourned the meeting at 9:21 p.m.



John E. Harper, Mayor



Susie Quinn, City Secretary

Date Approved: January 5, 2010